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and Industrial Relations

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of DIRECTOR,	)	CASE NO. OSH 2008-11
DEPARTMENT OF LABOR AND	)	(Inspection No. 311431001)
INDUSTRIAL RELATIONS,	)	
	)	STIPULATION AND SETTLEMENT
Complainant,	)	AGREEMENT; EXHIBIT A; APPROVAL
	)	AND ORDER
vs.	)	
	)	
HAWAIIAN ELECTRIC COMPANY,	)	
INC.,	)	
	)	
Respondent.	)	

**STIPULATION AND SETTLEMENT AGREEMENT**

Complainant Director of Labor and Industrial Relations ("Director") and Respondent HAWAIIAN ELECTRIC COMPANY, INC. ("Respondent") having reached a full and complete settlement of the above-captioned contested case presently pending before the Hawaii Labor Relations Board ("Board") stipulate and agree as follows:

On or about February 28, 2008, the Director, by and through the State of Hawaii's Occupational Safety and Health Division ("HIOSH"), initiated an inspection of the Respondent's workplace located at 92-200 Farrington Highway, Kapolei, Hawaii, 96707.

As a consequence of said inspection, the Director, through HIOSH's Administrator, issued a Citation and Notification of Penalty on August 28, 2008 ("Citation") to the Respondent alleging violations of the Hawaii Occupational Safety and Health Standards and assessed an aggregate penalty of \$10,875.00. *See Exhibit A.*

Respondent timely contested the Citation.

THEREFORE, to avoid the expense of litigation and to compromise and settle the above-captioned case, the parties, by and through their respective representatives, stipulate and agree as follows:

1. The Board has jurisdiction over this contested case pursuant to section 396-11, Hawaii Revised Statutes ("HRS").
2. At all relevant times, Respondent maintained a workplace at 92-200 Farrington Highway, Kapolei, Hawaii, 96707.
3. At all relevant times, Respondent was an employer, as defined in HRS § 396-3, and employed employees, as defined in HRS § 396-3, and was therefore subject to the requirements of HRS chapter 396, the Hawaii Occupational Safety and Health Law.
4. Respondent has abated each violation listed in the Citation in compliance with the abatement requirements under Hawaii Administrative Rule § 12-51-22.
5. The Citation is amended as follows:
  - a. The \$1,875.00 penalty associated with citation 1, item 1, alleging a serious violation of 29 CFR 1910.146(c)(2) [chapter 12-67.2, Hawaii Administrative Rules ("HAR")] is reduced to \$500.00;
  - b. The \$1,875.00 penalty associated with grouped citation 1, items 2a, 2b, and 2c, alleging serious violations of 29 CFR 1910.146(c)(4), 29 CFR 1910.146(d)(2), and 29 CFR 1910.146(d)(9) [chapter 12-67.2, HAR], respectively, is reduced to \$500.00;
  - c. The \$1,875.00 penalty associated with citation 1, item 3, alleging a

serious violation of 29 CFR 1910.146(e)(1) [chapter 12-67.2, HAR] is reduced to \$500.00;

d. The \$1,875.00 penalty associated with citation 1, item 4, alleging a serious violation of 29 CFR 1910.146(g)(3) [chapter 12-67.2, HAR] is reduced to \$500.00;

e. The \$1,500.00 penalty associated with citation 1, item 5, alleging a serious violation of 29 CFR 1910.215(b)(9) [chapter 12-80.1, HAR] is reduced to \$750.00;

f. The \$1,875.00 penalty associated with citation 1, item 6, alleging a serious violation of 29 CFR 1910.305(b)(2) [chapter 12-89.1, HAR] is reduced to \$100.00;

6. The Director reduces the aggregate penalty from \$10,875.00 to \$2,850.00 which shall be paid in full to the Director of Budget and Finance within twenty (20) days of the execution of this Agreement.

7. If the Respondent fails to fulfill any condition of this Agreement within the time stated, then, the Respondent shall automatically and without further notice be liable for the entire original penalty in the amount of \$ 10,875.00. All amounts shall be immediately due and owing. If the Respondent fails to pay all penalties and the Director institutes legal action to collect on the outstanding amount due, the Respondent agrees to pay all fees and costs, including reasonable attorney's fees, incurred to collect on the unpaid penalties. Any forbearance by the Director in exercising any right or remedy shall not be a waiver of or preclude the exercise of any right or remedy.

8. Except for the stipulated amendments described above, the Citation is confirmed in all other respects and upon approval by the Board, this Agreement and the Citation, as amended, shall become a final order of the Director.

9. Respondent shall post a copy of this Agreement and Order in a prominent place at or near the location of the posting of the Citation, and the Agreement and Order shall remain posted for three working days (excluding weekends and State holidays).

10. Respondent shall continue to comply with HRS chapter 396, the Hawaii Occupational Safety and Health Law, and the related rules.

11. Nothing in this Agreement shall bar the Director from taking any action


regarding future acts or practices by Respondent which may be alleged to violate HRS chapter 396, the Hawaii Occupational Safety and Health Law, or the related rules.

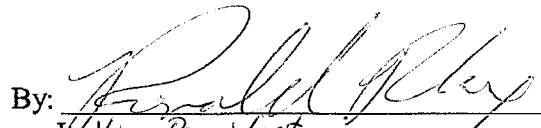
12. Upon approval of this Agreement, all proceedings before the Board shall be dismissed.

DATED: Honolulu, Hawaii, November 30, 2010.

APPROVED AS TO FORM:

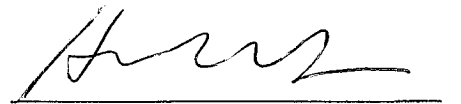
HAWAIIAN ELECTRIC COMPANY, INC.

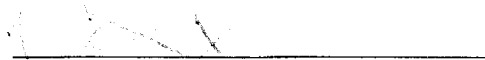
  
TERRY E. THOMASON  
Attorney for Respondent

By:   
Its Vice President  
Generation and Fuels

APPROVED AS TO FORM:

DIRECTOR OF LABOR AND  
INDUSTRIAL RELATIONS

  
HERBERT B.K. LAU  
Deputy Attorney General  
Attorney for Director of Labor and  
Industrial Relations, State of Hawaii

  
PEARL I. IBOSHI

APPROVED AND SO ORDERED BY  
HAWAII LABOR RELATIONS BOARD:

ORDER NO. 409

DATED: NOVEMBER 30, 2010

  
JAMES B. NICHOLSON, Chair

  
SARAH R. HIRAKAMI, Member

  
NORMAN K. KATO II, Member

## State of Hawaii

Department of Labor and Industrial Relations  
HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION  
830 PUNCHBOWL STREET, ROOM 425  
HONOLULU, HI 96813  
Phone: (808)586-9090 FAX: (808)586-9104



Certified Number: 7005 1820 0003 3812 4529

### Citation and Notification of Penalty

**To:**

Hawaiian Electric Company Inc  
and its successors  
92-200 Farrington Hwy  
Kapolei, HI 96707

Inspection Number: 311431001 (Arthur  
Talaai)  
Inspection Date(s): 02/28/2008- 05/02/2008  
Issuance Date: 08/28/2008  
OSHO ID: R1835  
Optional Report No.: 2608  
Inspection Type: Complaint  
Scope of Inspection: Comprehensive Inspection

**Inspection Site:**

92-200 Farrington Hwy  
Kapolei, HI 96707

*The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.*

This Citation and Notification of Penalty describes violations of the Hawaii Occupational Safety and Health Law. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties, unless within 20 calendar days from your receipt of this Citation and Notification of Penalty, you mail a notice of contest to the State of Hawaii Occupational Safety and Health Division (HIOSH) at the address shown above. Please refer to the enclosed booklet (Employer Rights and Responsibilities Following a HIOSH Inspection) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Law has occurred unless there is a failure to contest as provided for in the Law or, if contested, unless this Citation is affirmed by the Hawaii Labor Relations Board (HLRB) or a court.

**Posting** - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and State holidays), whichever is longer. The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may request one with the Administrator during the 20 calendar day contest period. During such an informal conference, you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Administrator within 20 calendar days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the page 5, Notice to Employees, next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

**Employers' Right to Contest** - You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Administrator in writing that you intend to contest the citation(s) and/or penalty(ies) within 20 calendar days after receipt, the citation(s) and the penalty(ies) will become a final order of the Department of Labor and Industrial Relations and may not be reviewed by any court or agency. Once a letter of contest is received, it becomes the jurisdiction of the HLRB.

**Penalty Payment** - Penalties are due within 20 calendar days of receipt of this notification unless contested. Make your check or money order payable to "Director of Budget and Finance." Please indicate the Inspection Number on the remittance.

HIOSH does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

**Notification of Corrective Action** - For each violations which you do not contest, you are required by Section 12-51-22 to submit an Abatement Certification to HIOSH. The certification must be sent by you within 5 calendar days of the abatement date indicated on the citation. For **Willful** and **Repeat** violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citation states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

All abatement verification documents must contain the following information: 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by Section 12-55-22 to be sent to HIOSH, also be posted at the location where the violation appeared and the corrective action took place.

**Employer Discrimination Unlawful** - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 60 days after the discrimination occurred with the Hawaii Occupational Safety and Health Division at the address shown above.

**Employer Rights and Responsibilities** - The enclosed booklet (Employer Rights and Responsibilities Following a HIOSH Inspection) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

**Employees' Right to Contest** - The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the Hawaii Occupational Safety and Health Division at the address shown above and postmarked within 20 calendar days of the receipt by the employer of this Citation and Notification of Penalty.

**Inspection Activity Data** - You should be aware that OSHA publishes information on inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to your inspection will be available 30 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment at [WWW.OSHA.GOV](http://WWW.OSHA.GOV). If you have any dispute with the accuracy of the information displayed, please contact this office.

## ABATEMENT CERTIFICATION

DARWIN L.D. CHING, DIRECTOR  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION  
830 PUNCHBOWL STREET, ROOM 425  
HONOLULU, HI 96813

Hawaiian Electric Company Inc  
92-200 Farrington Hwy  
Kapolei, HI 96707

The hazard referenced in Inspection Number \_\_\_\_\_ for the violation identified as  
Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_.  
How corrected: \_\_\_\_\_.

The hazard referenced in Inspection Number \_\_\_\_\_ for the violation identified as  
Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_.  
How corrected: \_\_\_\_\_.

The hazard referenced in Inspection Number \_\_\_\_\_ for the violation identified as  
Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_.  
How corrected: \_\_\_\_\_.

The hazard referenced in Inspection Number \_\_\_\_\_ for the violation identified as  
Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_.  
How corrected: \_\_\_\_\_.

The hazard referenced in Inspection Number \_\_\_\_\_ for the violation identified as  
Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_.  
How corrected: \_\_\_\_\_.

I attest that the information contained in this document is accurate and that the affected employees and their  
representatives have been informed of the abatement activities described in this certification.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or Printed Name





## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with HIOSH to discuss the citation(s) issued on 08/28/2008. The conference will be held at the HIOSH office located at 830 PUNCHBOWL STREET, ROOM 425, HONOLULU, HI, 96813 on \_\_\_\_\_ at \_\_\_\_\_.

Employees and/or representatives of employees have a right to attend an informal conference.

State of Hawaii  
Department of Labor and Industrial Relations  
Hawaii Occupational Safety And Health Division

Inspection Number: 311431001  
Inspection Dates: 02/28/2008 - 05/02/2008  
Issuance Date: 08/28/2008



### Citation and Notification of Penalty

Company Name: Hawaiian Electric Company Inc  
Inspection Site: 92-200 Farrington Hwy, Kapolei, HI 96707

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#### Citation 1 Item 1 Type of Violation: **Serious**

29 CFR 1910.146(c)(2) [Refer to chapter 12-67.2, HAR] was violated because:

The employer did not post a sign or utilize an equally effective measure to indicate that the Surface Condenser and its adjacent tunnels were permit required confined spaces.

29 CFR 1910.146(c)(2) states "If the workplace contains permit spaces, the employer shall inform exposed employees, by posting danger signs or by any other equally effective means, of the existence and location of and the danger posed by the permit spaces."

Location: Kahe 1-6 ground floor, Condenser Water Box and adjacent tunnels

Date By Which Violation Must be Abated:  
Penalty:

09/22/2008  
\$ 1,875.00

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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**State of Hawaii**  
Department of Labor and Industrial Relations  
Hawaii Occupational Safety And Health Division

**Inspection Number:** 311431001  
**Inspection Dates:** 02/28/2008 - 05/02/2008  
**Issuance Date:** 08/28/2008



### **Citation and Notification of Penalty**

**Company Name:** Hawaiian Electric Company Inc  
**Inspection Site:** 92-200 Farrington Hwy, Kapolei, HI 96707

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The alleged violations below (2a, 2b & 2c) have been grouped because they involve similar or related hazards that may increase the potential for illness and injury.

#### **Citation 1 Item 2a** Type of Violation: **Serious**

29 CFR 1910.146(c)(4) [Refer to chapter 12-67.2, HAR] was violated because:

The employer did not develop and implement a written permit space program for employees required to enter and perform work in the Surface Condenser Waterbox and its adjacent tunnels.

29 CFR 1910.146(c)(4) states "If the employer decides that its employees will enter permit spaces, the employer shall develop and implement a written permit space program that complies with this section. The written program shall be available for inspection by employees and their authorized representatives."

Location: Kahe 1-6, Ground floor, Surface Condenser Water Box and adjacent tunnels

Date By Which Violation Must be Abated:  
Penalty:

09/22/2008  
\$ 1,875.00

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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



### Citation and Notification of Penalty

Company Name: Hawaiian Electric Company Inc  
Inspection Site: 92-200 Farrington Hwy, Kapolei, HI 96707

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#### Citation 1 Item 2b Type of Violation: **Serious**

29 CFR 1910.146(d)(2) [Refer to chapter 12-67.2, HAR] was violated because:

The employer did not identify potential engulfment and atmospheric hazards before allowing employee entry into the Surface Condensers & its adjacent tunnels.

29 CFR 1910.146(d)(2) states "Permit-required confined space program (permit space program). Under the permit space program required by paragraph (c)(4) of this section, the employer shall: (2) Identify and evaluate the hazards of permit spaces before employees enter them;"

Location: Kahe 1- 6 ground floor, Surface Condenser Waterbox and Adjacent Tunnels

Date By Which Violation Must be Abated: 09/22/2008

#### Citation 1 Item 2c Type of Violation: **Serious**

29 CFR 1910.146(d)(9) [Refer to chapter 67.2-1, HAR] was violated because:

The employer did not develop and implement procedures for providing rescue and emergency services for entrants required to perform work in the Surface Condenser Waterbox and its adjacent tunnels.

29 CFR 1910.146(d)(9) states "Permit-required confined space program (permit space program). Under the permit space program required by paragraph (c)(4) of this section, the employer shall: Develop and implement procedures for summoning rescue and emergency services, for rescuing entrants from permit spaces, for providing necessary emergency services to rescued employees, and for preventing unauthorized personnel from attempting a rescue;"

Location: Kahe 1-6 ground floor, Surface Condenser Waterbox and Adjacent Tunnels

Date By Which Violation Must be Abated: 09/22/2008

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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**State of Hawaii**

Department of Labor and Industrial Relations  
Hawaii Occupational Safety And Health Division

Inspection Number: 311431001

Inspection Dates: 02/28/2008-05/02/2008

Issuance Date: 08/28/2008



**Citation and Notification of Penalty**

Company Name: Hawaiian Electric Company Inc  
Inspection Site: 92-200 Farrington Hwy, Kapolei, HI 96707

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**Citation 1 Item 3** Type of Violation: **Serious**

29 CFR 1910.146(e)(1) [Refer to chapter 12-67.2, HAR] was violated because:

The employer did not document the completion of measures required by 29 CFR 1910.146(d)(3) by preparing an entry permit for the entrants to the Surface Condenser Waterbox and its adjacent tunnels.

29 CFR 1910.146(e)(1) states "Before entry is authorized, the employer shall document the completion of measures required by paragraph (d)(3) of this section by preparing an entry permit."

Note: Appendix D to 1910.146 presents examples of permits whose elements are considered to comply with the requirements of this section.

Location: Kahe 1-6 Ground Floor, Surface Condenser Waterbox and its adjacent tunnels

Date By Which Violation Must be Abated:  
Penalty:

09/22/2008  
\$ 1,875.00

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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**State of Hawaii**  
Department of Labor and Industrial Relations  
Hawaii Occupational Safety And Health Division

**Inspection Number:** 311431001  
**Inspection Dates:** 02/28/2008 - 05/02/2008  
**Issuance Date:** 08/28/2008



### **Citation and Notification of Penalty**

**Company Name:** Hawaiian Electric Company Inc  
**Inspection Site:** 92-200 Farrington Hwy, Kapolei, HI 96707

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#### **Citation 1 Item 4 Type of Violation: **Serious****

29 CFR 19104.146(g)(3) [Refer to chapter 12-67.2, HAR] was violated because:

The employer did not provide training that established employee proficiency in duties including but not limited to attendant roles, entrant roles, and hazard recognition as required by 29 CFR 1910.146, Permit-required confined spaces, and did not introduce new or revised procedures, as necessary, for compliance.

29 CFR 1910.146(g)(3) states "The training shall establish employee proficiency in the duties required by this section and shall introduce new or revised procedures, as necessary, for compliance with this section."

**Location:** Kahe 1-6 Ground Floor, Surface Condenser Waterbox and its adjacent tunnels

<b>Date By Which Violation Must be Abated:</b>	<b>09/22/2008</b>
<b>Penalty:</b>	<b>\$ 1,875.00</b>

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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



### Citation and Notification of Penalty

Company Name: Hawaiian Electric Company Inc  
Inspection Site: 92-200 Farrington Hwy, Kapolei, HI 96707

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#### Citation 1 Item 5 Type of Violation: **Serious**

29 CFR 1910.215(b)(9) [Refer to chapter 12-80.1, HAR] was violated because:

The distance between the wheel periphery and the left and right adjustable tongue guards of a Van Dorn 10-inch Bench Grinder (Van Dorn, SN D 704385) was measured at: left side - 1 inch, and right side - 1 3/4 inch. The potential result of an improperly adjusted tongue guard is bruises and contusions from being struck by pieces of a broken wheel.

29 CFR 1910.215(b)(9) states "Exposure adjustment. Safety guards of the types described in Subparagraphs (3) and (4) of this paragraph, where the operator stands in front of the opening, shall be constructed so that the peripheral protecting member can be adjusted to the constantly decreasing diameter of the wheel. The maximum angular exposure above the horizontal plane of the wheel spindle as specified in paragraphs (b)(3) and (4) of this section shall never be exceeded, and the distance between the wheel periphery and the adjustable tongue or the end of the peripheral member at the top shall never exceed one-fourth inch. (See Figures O-18, O-19, O-20, O-21, O-22, and O-23.)."

Location: Machinist Shop, South facing wall

Date By Which Violation Must be Abated:  
Penalty:

Corrected  
\$ 1,500.00

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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



### Citation and Notification of Penalty

Company Name: Hawaiian Electric Company Inc  
Inspection Site: 92-200 Farrington Hwy, Kapolei, HI 96707

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#### Citation 1 Item 6 Type of Violation: **Serious**

29 CFR 1910.305(b)(2) [Refer to chapter 12-89.1, HAR] was violated because:

A double outlet receptacle was missing a faceplate, thus exposing the employees to the risk of inadvertent contact with the live parts inside. The opening above the receptacle was measured at 3 inches wide by 5/8 inches high. The potential result of contact with the live parts would be serious injury or death by electrocution.

29 CFR 1910.305(b)(2) states "All pull boxes, junction boxes, and fittings shall be provided with covers identified for the purpose. If metal covers are used, they shall be grounded. In completed installations, each outlet box shall have a cover, faceplate, or fixture canopy. Covers of outlet boxes having holes through which flexible cord pendants pass shall be provided with bushings designed for the purpose or shall have smooth, well-rounded surfaces on which the cords may bear."

Location: Kahe Power Plant, K-6, Control Room

Date By Which Violation Must be Abated:  
Penalty:

Corrected  
\$ 1,875.00

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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



State of Hawaii  
Department of Labor and Industrial Relations  
Hawaii Occupational Safety And Health Division

Inspection Number: 311431001  
Inspection Dates: 02/28/2008 - 05/02/2008  
Issuance Date: 08/28/2008



### Citation and Notification of Penalty

Company Name: Hawaiian Electric Company Inc  
Inspection Site: 92-200 Farrington Hwy, Kapolei, HI 96707

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#### Citation 2 Item 1 Type of Violation: Other

29 CFR 1910.269(d)(2)(v) [Refer to chapter 12-105.1, HAR] was violated because:

The employer did not conduct periodic inspections of the tagout procedures for the condenser cleaning crew and its Shift Supervisor. This inspection by an individual with system knowledge is necessary to ensure that the tagout procedures continue to be implemented properly.

29 CFR 1910.269(d)(2)(v) states "The employer shall conduct a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the provisions of paragraph (d) of this section are being followed"

Location: Kahe 6, Ground floor, Surface Condenser

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Date By Which Violation Must be Abated:	09/30/2008
Penalty:	\$ 0.00

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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of Hawaii  
Department of Labor and Industrial Relations  
Hawaii Occupational Safety And Health Division

Inspection Number: 311431001  
Inspection Dates: 02/28/2008 - 05/02/2008  
Issuance Date: 08/28/2008



### Citation and Notification of Penalty

Company Name: Hawaiian Electric Company Inc  
Inspection Site: 92-200 Farrington Hwy, Kapolei, HI 96707

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#### Citation 2 Item 2 Type of Violation: Other

29 CFR 1910.269(d)(2)(v)(D) [Refer to chapter 12-105.1, HAR] was violated because:

A review was not conducted to ensure that the purpose and function of the energy control program are understood by employees and that the knowledge and skills required for the safe application, usage, and removal of the energy controls are acquired by employees; this review separate from training is necessary to ensure that the elements set forth in paragraph (d)(2)(vii) are being implemented by employees who are cleaning the condenser.

29 CFR 1910.269(d)(2)(v)(D) states "Where tagout is used for energy control, the periodic inspection shall include a review, between the inspector and each authorized and affected employee, of that employee's responsibilities under the energy control procedure being inspected, and the elements set forth in paragraph (d)(2)(vii) of this section."

Location: Kahe 6, Ground Floor Surface Condenser

Date By Which Violation Must be Abated:  
Penalty:

09/30/2008  
\$ 0.00

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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of Hawaii  
Department of Labor and Industrial Relations  
Hawaii Occupational Safety And Health Division

Inspection Number: 311431001  
Inspection Dates: 02/28/2008-05/02/2008  
Issuance Date: 08/28/2008



### Citation and Notification of Penalty

Company Name: Hawaiian Electric Company Inc  
Inspection Site: 92-200 Farrington Hwy, Kapolei, HI 96707

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#### Citation 2 Item 3 Type of Violation: Other

29 CFR 1910.269(d)(2)(v)(E) [Refer to chapter 12-105.1, HAR] was violated because:

There were no records to certify that the requirements of paragraph (d)(2)(v) of this section have been accomplished for tagging out the condenser while it was being cleaned. There were no records to reflect the names, dates, or equipment to certify that inspections are being completed.

29 CFR 1910.269(d)(2)(v)(E) states "The employer shall certify that the inspections required by paragraph (d)(2)(v) of this section have been accomplished. The certification shall identify the machine or equipment on which the energy control procedure was being used, the date of the inspection, the employees included in the inspection, and the person performing the inspection."

Location: Kahe 6, Ground Floor, Surface Condenser

Date By Which Violation Must be Abated:  
Penalty:

09/30/2008  
\$ 0.00

  
DARWIN L.D. CHING  
Director

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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.